

December 12, 2005

*(insert recipient's name and address)*

### **NOTICE OF CASE ACTION**

After December 31, 2005, the North Dakota Department of Human Services (Department) can no longer provide prescription drug coverage under the North Dakota Medicaid program to individuals who are also eligible for MEDICARE.

Department records show that you are eligible for full benefits under Medicaid and MEDICARE. For this reason, this notice is to inform you that your last day of coverage of your outpatient prescription drugs under Medicaid will be December 31, 2005.

The Department is making this change because the MEDICARE Prescription Drug, Improvement, and Modernization Act of 2003 (MMA) provides for coverage of outpatient prescription drugs under MEDICARE beginning January 1, 2006, and prohibits coverage under Medicaid for persons who are eligible for MEDICARE. Medicaid will continue to pay as usual for your other healthcare costs that are covered by Medicaid.

Some categories of prescription drugs may not be covered by MEDICARE. If not, they may be covered by North Dakota Medicaid. These categories include:

- Barbiturates
- Benzodiazepines
- Some over the counter drugs

These drugs will only be covered if the drug is not covered by MEDICARE, and the Department has approved payment for them.

**– OVER –**

This case action is based solely on a change in federal law. You do not have a right to appeal the change in federal law. A hearing will not be granted if the only issue you want to appeal is the change in federal law. You may request a fair hearing to appeal this action only if you believe you are not eligible for MEDICARE. If you request an appeal and you are eligible for MEDICARE, your appeal request will not be granted. Medicaid benefits need not be continued pending the appeal decision when the sole issue is such a change in law. If the appeal is for other reasons, such as the application of the law to you, or if there is another factual issue, then benefits may continue pending the decision. If you lose the appeal, any expenditure for prescription drugs may be recouped from you. You lose the right to appeal this action 30 days after the action described in this notice was taken. If you request an appeal and you are granted a hearing, you may represent yourself or you may be represented by an authorized representative, a relative, a friend, or legal counsel.

If you want to request a hearing, please submit your request in writing to:

North Dakota Department of Human Services  
Appeals Supervisor  
State Capitol – Judicial Wing  
600 East Boulevard Ave.  
Bismarck, ND 58505

Sincerely,

*S://Maggie D. Anderson//*

Maggie D. Anderson, Director  
Division of Medical Services

DM/mlt

## **WHAT SHOULD YOU DO BY DECEMBER 31, 2005?**

**Please review your assigned prescription drug plan and make sure your medications are covered by the plan. If you have not received information that you have been assigned a plan, it is important that you take action before December 31, 2005 to choose a plan that covers your medications, so you have continued drug coverage.**

**If you have retirement coverage, or any other drug coverage that is as good as, or better than MEDICARE Part D, you are strongly encouraged to contact the Plan Administrator for that policy (this is found on the back of your insurance card) to find out your options under that plan, because different plans are treated differently. For example, both N D PERS and the Federal Employees Health Benefits Program (FEHBP) are considered to be as good as, or better than MEDICARE Part D. However, if you have ND PERS, you are actually in a Part D plan and cannot be enrolled in another plan, and, please note, if you enroll in a different Part D plan, you would lose ALL your PERS medical coverage, not just the drug coverage. (Note that the PERS Part D plan will follow the extra help co-pays.) On the other hand, with the FEHBP, an individual can also have a Part D plan and this would only enhance their benefits.**

**If you have MEDICARE Part D enrollment questions, please contact:**

- **1-800-MEDICARE (1-800-633-4226) OR (TTY 1-877-486-2048)**
- **<http://www.MEDICARE.gov>**
- **N D Senior Health Insurance Counselors (SHIC) at 1-888-575-6611**
- **Enrollment Assistance Specialists have been contracted by the Aging Services Division of the ND Department of Human Services, and can help those residents ages 60 and older in major North Dakota cities, and the neighboring counties in their region:**
  - **Burleigh County Senior Adults (Bismarck) 701-255-4648**
  - **Stark County Council on Aging Elder Care (Dickinson) 701-456-1818**
  - **Fargo Senior Services (Fargo) 701-293-1440**
  - **Greater Grand Forks Senior Citizens (Grand Forks) 701-772-7245**
  - **Minot Commission on Aging (Minot) 701-852-0561**
  - **Rolette County Senior Meals & Services (Rolla) 701-477-6421**
  - **South Central Adult Services (Valley City) 701-845-4300**
  - **Williston Region 1 Senior Services (Williston) 701-577-6751**